JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. <u>Contracting Activity</u>:   Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
23 Christopher Way
Eatontown, NJ 07724

2. <u>Description of Action</u>: The proposed action is for a brand name firm-fixed-price delivery order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government Wide Acquisition Contract (GWAC).

3. <u>Description of the Supplies or Services</u>: The Louis Stokes Cleveland VA Medical Center (VAMC) and its associated Louis Stokes Cleveland Outpatient Surgery Center in Cleveland, Ohio has a requirement to upgrade its existing Document Storage Systems, Inc. (DSS) LiveData PeriOperative Manager system from partial functionality to full functionality in three temporary Operating Rooms (OR), and to expand the system into the remaining eight ORs in the Surgical Suite; into the two Hybrid ORs, the three ORs at the Outpatient Surgery Center, the Sterile Processing Services, and the family waiting area. This system is needed to help manage, track, and improve surgical performance regarding patient safety, surgical throughput, utilization and efficiency, and surgical quality of care at the Cleveland VAMC and the Outpatient Surgery Center. By doing this, all areas will also become interconnected in that the system can pull lab test and other pre-operative test results such as electro-cardiogram and pulmonary function tests which, in turn, assists in patient scheduling and the updating of the status of the patient.

The system will include modules that assist in fulfilling these key dimensions:

- PreOP Board: large-screen wall and workstation displays, mobile user devices, that provide situational awareness of the surgical preparation process
- OR-Dashboard with Active Time Out: comprehensive, continuously updated view of the surgical case from setup to closing
- OR-Schedule Board: current day's surgical caseload on one large screen or mobile user devices showing an aggregated view in real-time
- Family Waiting Board: display to allow families to track family member progress
- An Analytics package will also be available which will enhance reporting capabilities

This system is also integrated with Veterans Health Information Systems Technology Architecture (VistA)/Computerized Patient Record System (CPRS), which will help decrease dual data entry, and reduce work-arounds that have been created due to lack of current resources. VA also requires the associated hardware, software licenses, installation, warranty, maintenance, and training with the system. The period of performance shall be 180 days for installation, testing, and full implementation, followed by a 12-month period for licenses, training, warranty, technical support, and

maintenance. There will also be three 12-month option periods for ongoing license and warranty renewals and technical and maintenance support. It is imperative that consistent, reliable perioperative data services be provided in an ongoing manner as part of VA's efforts toward improved management of resources and patient services. The investment in the upgrade and expansion to this system combined with the need for uninterrupted patient data management means that the Veterans' needs will best be met by the availability of multiple option periods. The total price of the proposed action is   nclusive of all options.

4. <u>Statutory Authority</u>: The statutory authority permitting this exception to fair opportunity is Section 41 U.S.C 4106(c)(2) as implemented by Federal Acquisition Regulation (FAR) 16.505(b)(2)(i)(B) entitled, "Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized."

5. <u>Rationale Supporting Use of Authority Cited</u>: Based on extensive market research, limited competition is not anticipated as market research demonstrated that only one NASA SEWP V GWAC vendor, Sword & Shield Enterprise Security, Inc., offers the requisite DSS LiveData software license renewals, maintenance support, and training. However, NASA SEWP V GWAC vendors have the ability to add products on contract within 24-hours, so, while not anticipated, limited competition is possible. Only DSS LiveData software can meet all of VA's requirements. Specifically only this software can integrate and work in the existing VistA/CPRS system. VistA/CPRS is the VA's Health Information Technology system that provides an integrated inpatient and outpatient electronic health record for VA patients. VistA/CPRS is utilized at every VAMC across the country. It has a unique data platform that does not readily integrate with commercial software systems. Using a perioperative data system with a platform that is incompatible with the VistA/CPRS platform results in a doubling of necessary data entry because every piece of data has to be manually entered first into the perioperative data system and then separately entered into the VistA/CPRS system. This makes it impossible for the disparate systems to share information in real time, increases the risks of data entry errors, omissions, and contradictions, and creates inefficiencies in use of available operating room resources. This also increases risk to the patients due to poorly coordinated patient data and the inability to optimize in real time the use of that data. Using a data manager system that does not integrate with VA's medical record system is not an option.

DSS LiveData is the only software suite that meets all of VA's unique technical and functional requirements, which includes a unified PeriOperative Manager system that can connect data for all the ORs and waiting areas, and has the ability to integrate with VistA/CPRS for more streamlined, accurate, and efficient data management and analysis. DSS LiveData is a proprietary software system that was designed to be VA-specific and compatible with VistA/CPRS. The PreOp Board maps VistA/CPRS data elements to PreOp milestones and documents milestone completion criteria. The OR - Dashboard verifies the mapping of VistA/CPRS data elements to OR-Dashboard visuals. The OR-Schedule Board allows the user to view the current day's surgical caseload as an aggregated view in real-time. The display shows the current status of all

surgical cases and operating rooms, thus enabling perioperative managers the ability to focus on the progress of cases while proactively canceling or rescheduling cases to allow for best operating room utilization. With bi-directional flow of data from and to VistA, this case canceling/rescheduling functionality is automatically reflected in VistA, thereby streamlining documentation practices and preventing perioperative bottlenecks. DSS LiveData is the only perioperative data management system that integrates with VistA/CPRS, and with the perioperative manager system currently in place. With DSS LiveData, perioperative services efficiency is increased while maintaining a high level of patient care. Cleveland VAMC already employs the DSS LiveData PeriOperative Manager system in three operating rooms. Only additional DSS LiveData software will be able to integrate with the existing DSS system and with VistA/CPRS due to the proprietary nature of the software. If another system was used, VA would have to completely replace the existing DSS LiveData PerioOperative Manager system already in use. Therefore, the upgrade and additional software must be provided by DSS or an authorized reseller.

Additionally, as part of this requirement, VA also requires software maintenance, installation, training, and a warranty which can only be obtained from DSS or its authorized resellers. The required software being maintained contains proprietary code, and any form of maintenance, such as bug fixes or enhancements cannot be performed by any other vendor. Only DSS or its authorized resellers have access to this proprietary code, and therefore is the only source that can provide the required maintenance.

6. <u>Efforts to Obtain Competition</u>: Market research was conducted, details of which are in Section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsized and the justification will be made publicly available within 14 days of award on the Federal Business Opportunities website. In accordance with FAR 16.505(a)(4)(iii)(A), the justification will be posted with the request for quotation on the NASA SEWP V GWAC.

7. <u>Actions to Increase Competition</u>: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future actions to be fully competed.

8. <u>Market Research</u>: Market research was conducted in December 2014 by a panel of Government technical experts on available tools, other than DSS LiveData, that would meet the need for a single suite to integrate information from all ORs and waiting areas and also have the ability to integrate with VistA/CPRS. Specifically, they reviewed McKesson Surgical Manager, HCS OR Control, and Optum Perioperative Solutions.

McKesson Surgical Manager provides a complete surgical information system that helps support patient safety initiatives in the operating room. McKesson Surgical Manager offers some components that meet the Cleveland VAMC requirements. However, it does not integrate with VistA/CPRS, nor does it integrate with the existing DSS LiveData systems already in place. Using this system would lead to dual data

entry in both the existing DSS LiveData system and VistA/CPRS and would increase the risks of data entry errors, omissions, and contradictions. As a result, it does not meet Louis Stokes Cleveland VAMC requirements.

HCS's OR Control system is a patent-pending, real-time, workflow solution designed to automate and coordinate all day-of-surgery activities. HCS's OR Control system does not integrate with VistA/CPRS nor does it integrate with the existing DSS LiveData systems already in place. Using this system would lead to dual data entry in both the existing DSS LiveData system and VistA/CPRS and would increase the risks of data entry errors, omissions, and contradictions. As a result, it does not meet Louis Stokes Cleveland VAMC requirements.

Optum Perioperative Solutions features multiple components: pre-op clinical decision support, OR scheduling and workflow management, patient tracking, OR dashboard and analytics, intelligent supply chain automation, an anesthesia information management system, and interoperability. Although this system contains components that meet Louis Stokes Cleveland VAMC requirements, it does not integrate with VistA/CPRS, nor does it integrate with the existing DSS LiveData systems already in place. Using this system would lead to dual data entry in both the existing DSS LiveData system and VistA/CPRS and would increase the risks of data entry errors, omissions, and contradictions. Therefore, the system does not meet Louis Stokes Cleveland VAMC requirements.

The Government's technical experts have concluded that only DSS LiveData meets all of the Government's requirements. Only DSS LiveData Perioperative Manager can meet the Government's needs to integrate with the existing systems already in place, as well as integrate with VistA/CPRS. No other software product is compatible with the DSS LiveData, and no other product can integrate with VistA/CPRS.

Additional market research was conducted by Government representatives in July 2015 utilizing the NASA SEWP V Provider Lookup Tool, which found one contract holder capable of meeting this requirement. In addition to the NASA SEWP V Provider Lookup Tool, a Request for Information was posted to NASA SEWP on July 7, 2015 which resulted in one response. That response was from the same vendor found in the NASA SEWP V Provider Lookup Tool. Additionally, the NASA SEWP V GWAC is a dynamic GWAC in which products can be added to vendor catalogs based on customer requests on a daily basis, as long as the required item or service is within scope of the NASA SEWP V GWAC. As a result, there is potential that limited competition exists on the NASA SEWP V GWAC. In addition, the requirements discussed herein have been found to be within scope of the NASA SEWP V GWAC in a separate determination.

9. Other Facts: N/A

10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

Product Manager

11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on potential competition. Additionally, NASA SEWP V has already been determined the prices on contract to be fair and reasonable. Finally, the successful quote will be compared to the Independent Government Cost Estimate.

Procuring Contracting Officer

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

Procuring Contracting Officer

13. Legal Sufficiency Certification: I have reviewed this justification and find it adequate to support an exception to fair opportunity and deem it legally sufficient.

Legal Counsel

Approval

Based on the foregoing justification, I approve the acquisition of the expansion and upgrade of the existing DSS LiveData PeriOperative Manager System for the Louis Stokes Cleveland VAMC and its associated Louis Stokes Cleveland Outpatient Surgery Center in Cleveland, Ohio to include the associated hardware, software licenses, installation, warranty, maintenance, and training in the estimated amount of ⟨   ⟩ on an other than fair opportunity basis pursuant to Section 41 U.S.C 4106(c)(2), subject to availability of funds, and provided that the property and services herein described have otherwise been authorized for acquisition.